

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE**

**MARIO ALMANZA, JESUS CASTANEDA,)
FERNANDO SENDANO GONZALEZ,)
HUMBERTO N. SEVERIANO)
LEOPOLDO NICOLAS SEVERIANO)
JOSE ANTONIO ORIHUELA OCHOA)
PRISCILIANO SANTIAGO LOPEZ)
ZEFERINO CASTRO C)
DIEGO BAILON, ZAHIR RODAS)
ARTURO ALMANZA,)
CESAR PERES (VALLDES-CEDILLO))
ROLANDO MENDOZA, RAFAEL CHIQUILLO)
CESAR GALEANA B.,)
JOSE MARIA PADILLA BOYSO)
JOSE BAUTISTA, JUAN BAUTISTA,)
EUSEBIO ESTRADA TREJO,)
ALEJANDRO SALAZAR SORIA, AND)
SERGIO A. GOMEZ)**

Plaintiffs,

vs.

BAIRD TREE SERVICE COMPANY, INC

Defendants.

No. 3:10-cv-311

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Comes the Plaintiffs by and through counsel and responds in opposition to Defendants' Motion to Dismiss on the grounds that Plaintiff has filed a Motion to Amend its Complaint to join HR Solutions of America, LLC as a party Defendant. Accordingly, if Defendants' allegation with regard to HR Solutions of America, LLC are correct, then they likewise will be before the court upon the granting of Plaintiffs' Motion to Amend Amended Complaint, the filing of the Second Amended Complaint, and the service of process on the

new Defendant's registered agent.

WHEREFORE, Plaintiffs respectfully request that Defendants' Motion to Dismiss be denied.

s/ Arthur F. Knight, III

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2010, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Arthur F. Knight, III

Arthur F. Knight, III